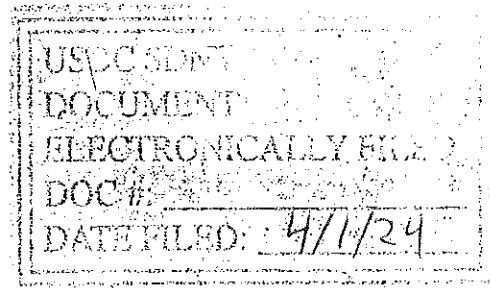


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re

CUSTOMS AND TAX ADMINISTRATION OF THE
KINGDOM OF DENMARK (SKAT) TAX REFUND
LITIGATION



18-md-2865-LAK

This paper applies to: Trial One Cases¹
----- X

PRETRIAL ORDER NO. 36
(Trial One Pretrial Schedule)

LEWIS A. KAPLAN, *District Judge*.

In light of the discussion at the status conference on March 28, 2024 as well as the parties' joint letter of March 8, 2024 (Dkt 968) and consistent with the Court's Pretrial Order Nos. 34 (Dkt 961) and 35 (Dkt 977), it is hereby

ORDERED that the following schedule shall govern pretrial proceedings:

1. Defendants in *SKAT v. van Merkensteijn et al.*, 19-cv-10713, and *Skat v. Ben-Jacob*, 21-cv-05339, shall file any motions for summary judgment based on statute of limitations issues by May 10, 2024. Plaintiff shall file any opposition by May 31, 2024. Defendants shall file any replies by June 14, 2024.
2. Defendants shall file any motions to sever the case against defendant Ben-Jacob by May 10, 2024. Plaintiff shall file any opposition May 31, 2024. Defendants shall file any replies by June 14, 2024.
3. Except as otherwise ordered, the parties shall exchange Rule 26(a) disclosures by May 15, 2024. The parties shall exchange any Rule 26(a) rebuttal expert witnesses by May 24, 2024. The parties shall complete any expert depositions by June 14,

1

18-cv-07828; 19-cv-01785; 19-cv-01867; 19-cv-01893; 19-cv-01781; 19-cv-01783;
19-cv-01866; 19-cv-01895; 19-cv-01794; 19-cv-01865; 19-cv-01904; 19-cv-01798;
19-cv-01869; 19-cv-01922; 19-cv-01800; 19-cv-01788; 19-cv-01870; 18-cv-07827;
19-cv-01791; 19-cv-01792; 19-cv-01928; 19-cv-01926; 19-cv-01868; 18-cv-07824;
19-cv-01929; 19-cv-01803; 19-cv-01806; 19-cv-01906; 19-cv-01801; 19-cv-01894;
19-cv-01808; 19-cv-01810; 19-cv-01809; 18-cv-04833; 19-cv-01911; 19-cv-01898;
19-cv-01812; 19-cv-01896; 19-cv-01871; 19-cv-01813; 19-cv-01930; 18-cv-07829;
18-cv-04434; 19-cv-01815; 19-cv-01818; 19-cv-01931; 19-cv-01918; 19-cv-01873;
19-cv-01924; 19-cv-10713; 21-cv-05339.

2024.

4. All notices pursuant to Rule 44.1 shall be filed by May 31, 2024. The parties shall also serve notice of intent to assert the application of any non-New York law not otherwise required by Rule 44.1 by May 31, 2024. The parties shall file any briefs on disputed issues of foreign law or choice of law by June 24, 2024. Such briefs should include reproductions of the foreign laws in dispute as well as any foreign law declarations and materials that may aid the Court's review.

5. The parties shall file any *Daubert* motions by June 21, 2024. The parties shall file any oppositions by July 5, 2024. The parties shall file any replies by July 19, 2024.

6. The parties shall file any motions *in limine* by August 15, 2024. The parties shall file any oppositions by August 26, 2024. There shall be no replies absent leave of the Court.

7. The parties shall file a joint proposed special verdict form by August 15, 2024. If the parties cannot agree entirely to a joint proposal, the plaintiff shall file that part of the proposal to which the parties agree as well as each party's proposal with respect to those parts to which the parties cannot agree by August 15, 2024.

8. The following shall govern preparation of the pretrial order:

(a) Plaintiff shall provide the following to defendants by October 22, 2024: any general provisions governing conduct of trial; brief statement of the case; proposed fact stipulations; deposition designations; exhibit list; witness list.

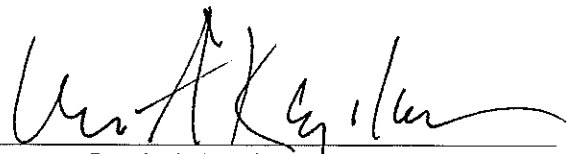
(b) Defendants shall provide the following to plaintiff by November 5, 2024: any proposed revisions to general provisions governing conduct of trial; objections to/revisions to brief statement of case; objections to/revisions to fact stipulations; deposition designations; objections to plaintiff's deposition designations; deposition counter designations; exhibit list; objections to plaintiff's exhibits; objections to plaintiff's witnesses.

(c) Plaintiff shall provide to defendants the following by November 19, 2024: any further proposed revisions to statement of case, factual stipulations, exhibit list, witness list; objections to deposition designations; deposition counter designations; objections to defendants' exhibits; objections to defendants' witnesses.

(d) The parties shall file a final joint pretrial order with the Court by December 2, 2024.

SO ORDERED.

Dated: April 1, 2024


Lewis A. Kaplan
United States District Judge